

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Firearms Regulatory Accountability Coalition, Inc., et al.,)	
)	
)	ORDER GRANTING PLAINTIFFS' MOTION TO STAY
Plaintiffs,)	
)	
vs.)	Case No. 1:23-cv-024
)	
Merrick B. Garland, et al.,)	
)	
Defendants.)	
)	

Before the Court is the “Plaintiffs’ Motion to Stay Proceedings Pending Resolution of Related Case” filed on October 28, 2024. See Doc. No. 114. The Defendants filed a response in opposition to the motion on November 12, 2024. On November 19, 2024, Plaintiffs filed a reply. The Plaintiffs request the Court stay the above-captioned action pending the resolution of the Government’s appeal before the Fifth Circuit Court of Appeals¹.

In its motion, the Plaintiff’s explain why they believe a stay is appropriate. First, they contend ATF does not dispute that the federal district court in Texas “has entered an order that vacates the Rule nationwide.” See Doc. No. 116. Second, they argue ATF does not dispute that the district court’s vacatur order “operates on the status of agency action” and thus is “not party-restricted” and “affects persons in all judicial districts equally.” Id.; Braidwood Mgmt., Inc. v. Becerra, 104 F.4th 930, 951 (5th Cir. 2024). Finally, the Plaintiffs argue ATF does not dispute that the Fifth Circuit’s “default rule is that vacatur is the appropriate remedy” in Administrative Procedure Act cases. Id.; Rest. L. Ctr. v. United States Dep’t of Lab., 120 F.4th 163, 177 (5th Cir. 2024). Thus, ATF agrees that if the Fifth Circuit sides with the federal district court on the merits,

¹ Mock v. Garland, No. 24-10743 (5th Cir.)

the default remedy is vacatur such that there will be no Rule left for the Plaintiffs to challenge. Basic principles of judicial economy, efficiency, and common sense strongly favor a stay, pending the Fifth Circuit's decision on vacatur.

For good cause shown, the Court **GRANTS** the motion (Doc. No. 114). All proceedings in this case are hereby **STAYED** pending the issuance of a ruling from the Fifth Circuit Court of Appeals in *Mock v. Garland*, No. 24-10743 (5th Cir.). The parties shall advise the Court as to the status of that case no later than seven (7) days following an order on appeal.

IT IS SO ORDERED.

Dated this 20th day of November, 2024.

/s/ Daniel L. Hovland
Daniel L. Hovland, District Judge
United States District Court